IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13726 of 2005

Between:

A.Krishnaiah, s/o Venkaiah,
R/o Somavaram (V), Wyra Mandal, Khammam District.

..... PETITIONER

AND

1. The Secretary, Regional Transport Authority, Khammam.
2. The Assistant Motor Vehicle Inspector, Flying Squad, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP-7U-1861 vide vehicle check Report No.0583343, dated 4-6-2005 as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No.AP7U-1861.

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing his vehicle under Vehicle Check Report No.0583343 dated 04.06.2005 for the alleged irregularities stated therein.

According to the petitioner, immediately after seizure, he made an application on 23.06.2005 seeking release of his vehicle. However, the respondents have not passed any orders so far. Hence, he has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

In the circumstances, the respondents are directed to release the vehicle of the petitioner on condition of his depositing a sum of Rs.5,000/- (Rupees five thousand only) and tax, if any payable upto

date, with a further undertaking that he shall not alienate or encumber the vehicle during pendency of the enquiry. It is also made clear that the release of the vehicle as well as the deposit made by the petitioner as directed hereinabove shall be subject to the outcome of the orders that are going to be passed after completion of the enquiry by the respondents.

The writ petition is accordingly disposed of. No costs.

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28.06.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Secretary, Regional Transport Authority, Khammam.
2. The Assistant Motor Vehicle Inspector, Flying Squad, Khammam.
3. 2CCs to the Government Pleader for Transport, High Court Buildings, Hyderabad. (OUT)
4. 2CD copies.